

AMENDMENT TO THE FIGURES

Replacement Figures are submitted herewith with the changes requested by the Examiner.

REMARKS

This is in response to the Office Action of January 24, 2008 and the Notice of Non-Compliant Amendment of July 25, 2008. With this response the specification, Figure 4 and claims 1, 26, 27 and 52 are amended. All pending claims 1-53 are presented for reconsideration and favorable action.

A supplemental Information Disclosure Statement is also submitted herewith.

In the Office Action, the independent claims were rejected under 35 U.S.C. § 103 based upon Eryurek (6,017,143) in view of Flaemig (US 7,054,765) and further in view of Sederlund (US 6,647,301). The amended claims are patentably distinct from these references.

At the top of page 4 of the Office Action, the Examiner references the word "configured." That language has been removed from the independent claims. However, Applicant was unable to find this interpretation of the term "configured."

In the Office Action, Eryurek '143 was cited as showing a device interface. However, independent claim 1 includes a device interface to retrofit to a process device and provide an output related to operation of a component of the process device. This is not shown by Eryurek. Further, independent claim 1 includes a component monitor to retrofit the process device and monitor operation of the component of the process device based upon the output of the process interface and responsively identify a safety event indicative of a failure of the component. Eryurek does not show such a component monitor. The cited section of Eryurek describes an inference engine. Therefore, the rejection should be withdrawn. Next, Flaemig is cited as showing a component monitor. However, the component identified in Flaemig could not be retrofit to a process device nor does the element responsively identify a safety event. For this additional reason the rejection should be withdrawn. Finally, Sederlund was cited as teaching Safety Integrity Level (SIL). However, this is performed at a system level and there does not appear to be any discussion that it could be implemented in a process device or combined with the Eryurek and Flaemig references to arrive at the claimed invention.

For the above reasons, the rejection against claim 1 should be withdrawn. Some of the above comments are also applicable to the other independent claims (36, 37 and 52), and therefore the rejection against those claims should be withdrawn. However, those claims also

include language which is not shown or suggested by the combination of Eryurek, Flaemig and Sederlund.

Independent claim 36 states that the device interface, component monitor and safety module are all implemented in a feature module which couples to a sensor module and retrofits a transmitter. This is not shown by the cited references and the rejections should be withdrawn.

Independent claim 37 is directed to a method of retrofitting, sensing, monitoring and responding. The cited references do not show all of these steps. For this additional reason the rejection of claim 37 should be withdrawn.

Independent claim 52 includes a "retrofit apparatus" which includes a device interface, component monitor and safety response module. The cited references do not show a retrofit apparatus to retrofit a process variable transmitter. For this additional reason the rejection against claim 52 should be withdrawn.

Applicant further notes that the dependent claims, when read in their full context with the claims from which they depend, are patentably distinct from the cited references.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Consideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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